

Statement of Senator Tom Daschle
Senate Committee on Indian Affairs
Hearing on the Missouri River Master Manual
October 16, 2003

Mr. Chairman, thank you for convening this hearing today on the management of the Missouri River, and specifically the ongoing revision of the Missouri River Master Manual. I especially appreciate this hearing's focus on the effect the Master Manual has on federally-reserved Indian water rights. I am grateful for the opportunity to speak before you today to share my insights and experiences in dealing with the U.S. Army Corps of Engineers in South Dakota.

I am pleased that President John Steele, of the Oglala Sioux Tribe, as well as Mike Claymore, Council Member for the Standing Rock Sioux Tribe, are here to testify on this important topic. They will describe to you the effects the Corps of Engineers' management of the river and this Master Manual revision will have on their tribes. I also look forward to hearing the testimony of General Bill Grisoli to better understand what steps the Corps is taking to respond to tribal concerns, and hope we can work together in a constructive manner to resolve these issues.

Mr. Chairman, the Corps of Engineers' reputation in South Dakota on the management of the Missouri River is tenuous at best. As my fellow senator from South Dakota, Mr. Johnson, knows, the Corps' management of the Missouri River has long been the source of much division between the upstream and downstream states. Our constituents, many of whom depend on the river for recreation, drinking water, and irrigation, cannot understand why it is that during times of drought, such as the one South Dakota has experienced in recent years, our state's reservoirs are drained to maintain a nearly nonexistent barge industry. To them, it simply flies in the face of common sense.

South Dakota hosts four of the six mainstem dams. Five South Dakota Indian tribes border the river, and many others have historical and cultural ties to the river. Tribal burial grounds dot the landscape up and down the river, and the fluctuating water levels erode tribal land and expose these burial sites to the environment, leaving many remains and artifacts subject to poaching. Tribes are disconnected from the river that was once central to tribal life. You would think that simply bordering our nation's longest river, a vital economic lifeline, would provide some benefit to the tribes, but that is often not the case.

When the mainstem dams were built almost 50 years ago, the state and the tribes were assured they would be compensated. Hundreds of thousands of acres of productive river bottom land was lost when the reservoirs filled. The two largest reservoirs formed by the dams, Oahe Reservoir and Sharpe Reservoir, caused the loss of approximately 221,000 acres of fertile, wooded bottomland that constituted some of the most productive, unique and irreplaceable wildlife habitat in South Dakota.

This included habitat for both game and non-game species, including several species now listed as threatened or endangered. Meriwether Lewis, while traveling up the Missouri River in 1804 on his famous expedition, wrote in his diary, “Song birds, game species and furbearing animals abound here in numbers like none of the party has ever seen. The bottomlands and cottonwood trees provide a shelter and food for a great variety of species, all laying their claim to the river bottom.”

The Missouri River tribes did receive payment for the lands they lost to the reservoirs. However, the level of payment was a pittance of what it was worth. In the 1980s, the Joint Federal-Tribal Advisory Committee, or J-TAC, determined that tribes were owed tens of millions of dollars more than they originally received. This committee has held a number of hearings on this issue over the last decade as Congress has enacted law after law to provide additional compensation to affected tribes to adequately compensate them for their losses.

But adequate compensation is more than just paying a fair value for the lost land. Compensation was supposed to come in other forms, such as guarantees that the reservoirs would provide irrigation for farmland, conserve and enhance fish and wildlife habitat, promote recreation along with meeting other important goals. This has never been fully realized. While recreation has become an important economic draw in South Dakota, water levels continue to be subject to the whims of the downstream interests threatening the future of river-based businesses. And Indian tribes have never fully realized the benefits promised them, while they continue to experience the adverse effects of low water levels.

For the last decade, I have watched as the Corps has steadfastly refused to change its management of the Missouri River to reflect the environmental and economic needs of the 21st century. The current operating plan for the agency was written in the 1960s, with the last revision coming in the 1970s. Barge traffic has long been the primary focus of the Corps’ management policies on the river, but today that traffic is a mere fraction of what people thought it would be. Yet the Corps continues to support navigation at the expense of all the other uses the river should support. Nearly 14 years ago, the Corps was directed to revise the Master Manual to reflect the modern river and provide a more appropriate balance among the various uses on the river. However, the agency has continually delayed this review to avoid implementing a plan that will bring meaningful change to the management of the river. This will only further jeopardize endangered species, drive river-dependent businesses into bankruptcy, and lead to further erosion of Native American burial and cultural sites along its banks. The Missouri River is important to all of us, especially the Native Americans who share a special kinship with the river and hunted and fished off its banks for hundreds of years before Lewis and Clark. As a senator from South Dakota and as a citizen who appreciates awesome power and beauty of the Missouri, I share the sense of betrayal that so many upstream residents feel watching the Corps’ management slowly degrade this once-thriving river.

The Corps has taken a very unbalanced approach in its revision. I continue to see the agency push its preconceived notion of how the Missouri River should be managed, even while it speaks of “inclusiveness” and “compromise.” The Corps has shown time and again its unwillingness to work effectively with members of the public, states, tribes, or stakeholders to resolve ongoing challenges. For example, the Corps has stated it will not incorporate more natural river flows, such as the spring

rise, in its plan, even though the U.S. Fish and Wildlife Service and the National Academy of Sciences have both stated that these changes are essential to the health of the river system. Someone once told me that when discussing the Master Manual, the Corps has stated people should “think outside the box – just don’t change anything.” This narrow view leaves out any real hope of compromise, and I sincerely hope that something can be done to change it.

That is why this hearing today is so important. American Indian tribes lost a great deal when the dams were constructed, and they continue to face hardships because of the Corps’ management of the Missouri River. With the scarce resources available on the river, it is important that tribes be included in the process to ensure their needs are adequately addressed in the revision of the Master Manual. The Corps now plans on finalizing a Master Manual by March of 2004. The agency has waited far too long to finish this work, and it must be completed quickly. However, it is imperative that the Corps revise it the right way, by developing a plan that fairly balances all current and future uses of the river. Only through common-sense, balanced river management can upstream states and Indian tribes fully realize the benefits of the river they were promised so many years ago.

Again, Mr. Chairman, thank you for holding this hearing. I look forward to hearing the views of the other witnesses.